

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SWAN CORP. I., INC. and CHRISTOPHER SWAN,

Plaintiffs,

v.

Case No. 08-C-1019

MIRON CONSTRUCTION CO.,

Defendant.

ORDER

Plaintiffs have filed a civil rights action against Defendant Miron Construction Co. The complaint alleges that the Defendant used Swan I Corp., a minority-owned contractor owned by Christopher Swan, but failed to adequately compensate either plaintiff for work performed at Lambeau Field. It further alleges racial harassment and retaliation after Swan complained about conditions at the workplace. Upon my initial screening of the complaint, several defects are readily apparent and will be addressed sua sponte.

Although the complaint does raise allegations particular to the individual Plaintiff, it is evident that the bulk of the complaint involves allegations by Swan I Corp. in its role as a contractor working with the Defendant. Corporations, however, may not appear in federal court without an attorney. *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008). Accordingly, claims on behalf of Swan I Corp. will be dismissed without prejudice. If Swan wants to refile such claims, he may obtain an attorney and file a motion to amend the complaint to reinstate them at that point.

It further appears that Swan is alleging claims under § 1983, but such claims require a defendant to be acting under color of law, a factor which appears absent here. Accordingly, to the

extent the complaint seeks to proceed under § 1983, such claims are dismissed. It appears instead that Swan may be able to proceed under § 1981, which prohibits discrimination in contracts on the basis of race. Section 1981 provides a mechanism for prohibiting discrimination similar to Title VII in the employment context. *Paul v. Theda Medical Center, Inc.*, 465 F.3d 790, 794 (7th Cir. 2006).

Accordingly, all § 1983 claims are **DISMISSED** with prejudice; all claims brought on behalf of Swan Corp. I are **DISMISSED** without prejudice.

SO ORDERED this 3rd day of December, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge